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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TAYLOR, NICHOLAS R	

ART UNIT	PAPER NUMBER
2441	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/722,834	LEE ET AL.	
	Examiner	Art Unit	
	Nicholas Taylor	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-18,21-35 and 38-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-18,21-35 and 38-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on April 8th, 2009, has been entered.

2. Claims 1, 4-18, 21-35 and 38-52 have been presented for examination and are rejected.

Response to Arguments

3. Applicant's arguments filed April 8th, 2009, with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 4-11, 15-18, 21-28, 32-35, 38-45, and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al. (U.S. PGPub 2004/0205555) and Conway (U.S. PGPub 2003/0236777).

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

As per claims 1, 18, 35, and 52, Hind teaches a method of taking notes in a notes document using a note-taking device (Hind, paragraphs 0026 and 0027 overview and summary; see also 0045), the method comprising:

generating a first request at the note-taking device wherein the first request identifies a portion of a first information to insert in a first location in the notes document, the first information comprising information captured by one or more capture devices; (Hind, see, e.g., example information types described in paragraph 0031 and displayed in fig. 3B where a portion of a first information is displayed from a capture device; see

paragraphs 0031-0033 where a first request identifies a portion of a first information to insert in a first location)

determining if the note-taking device can communicate with a server; and

storing the first request in the notes document upon determining that the note-taking device cannot communicate with the server; and (Hind, paragraphs 0031-0033)

determining, subsequent to storing the first request in the notes document, that the note-taking device cannot communicate with the server;

communicating the first request from the note-taking device to the server upon determining that the note-taking device can communicate with the server (Hind, see, e.g., paragraph 0033 and fig. 5).

Hind teaches the above, including determining if the availability of information on the server (Hind, see paragraphs 0031-0033 and figs. 2A-2C, 3A, and 3B), storing requests (Hind, paragraphs 0031-0033) and later communicating the request (Hind, see, e.g., paragraph 0033 and fig. 5).

However, Hind is silent as to determining if the note-taking device can communicate with a server; storing the first request in the notes document upon determining that the note-taking device cannot communicate with the server; determining, subsequent to storing, that the device cannot communicate with the server, and communicating the first request from the note-taking device to the server upon determining that the note-taking device can communicate with the server, as Hind is instead directed to more general accessibility of information.

In a similar field of endeavor, Conway teaches a network-based information retrieval system that services information requests from a server over a network (Conway, paragraphs 0022 and 0023 and fig. 1). Conway further teaches determining if a target server of a device request is available for communication, storing the request upon determining that the device cannot communicate with the server, subsequent to storing determining if the device can communicate with the server, and communicating the request upon determining that the device can communicate with the server (Conway, see paragraphs 0040-0042, 0045, 0047, 0049 and figs. 5 and 6 where asynchronous transactions are discussed).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Hind and Conway to provide the request management of Conway in the system of Hind, because doing so would "greatly increase the probability of successful Internet transactions" (Conway, abstract). Further, all of the claimed elements (i.e., note-taking device request creation, communication requests to a server, management of failed or unavailable server transaction requests, etc.) were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods to yield predictable results (e.g., effective request processing when server communication is initially unavailable).

As per claims 4, 21, and 38, Hind-Conway teaches the system further wherein determining if the note-taking device can communicate with the server comprises:

detecting a first signal after storing the first request in the notes document; and determining if the note-taking device can communicate with the server responsive to the first signal (Hind, see paragraphs 0031-0033 and figs. 2A-2C, 3A, 3B, and process of fig. 5, 6A, and 6B; Conway, see paragraphs 0040-0042, 0045, 0047, 0049 and figs. 5 and 6 where asynchronous transactions are discussed).

As per claims 5, 22, and 39, Hind-Conway teaches the system further wherein the first signal is generated when the notes document is opened (Hind, see paragraphs 0031-0033 and figs. 2A-2C, 3A, 3B, and process of fig. 5, 6A, and 6B).

As per claims 6, 23, and 40, Hind-Conway teaches the system further wherein the first signal is generated at a periodic interval (Hind, see, e.g., the periodic request method outlined in paragraph 0028).

As per claims 7, 24, and 41, Hind-Conway teaches the system further wherein the first signal is generated in response to an action performed by a user of the note-taking device (Hind, see paragraphs 0031-0033 and figs. 2A-2C, 3A, 3B, and process of fig. 5, 6A, and 6B).

As per claims 8, 25, and 42, Hind-Conway teaches the system further comprising:

communicating the first request from the note-taking device to the server;

receiving, at the note-taking device, the first portion of the first information from the server; and (Hind, see paragraphs 0031-0033 and figs. 2A-2C, 3A, 3B, and process of fig. 5, 6A, and 6B)

embedding the first portion of the first information in the first location in the notes document (Hind, e.g., see fig. 3 embedding information in the document).

As per claims 9, 26, and 43, Hind-Conway teaches the system further comprising:

communicating, from the note-taking device to the server, information identifying a user of the note-taking device requesting the first portion of the first information; determining, at the server, if the user is authorized to receive the first portion of the first information; and communicating the first portion of the first information from the server to the note-taking device if it is determined that the user is authorized to receive the first portion of the first information (Hind, see paragraphs 0039 and fig. 4 authorized user access).

As per claims 10, 27, and 44, Hind-Conway teaches the system further comprising:

communicating, from the note-taking device to the server, information identifying a user of the note-taking device requesting the first portion of the first information; and determining, at the server, if the user is authorized to receive the first portion of the first information (Hind, see paragraphs 0039 and fig. 4 user access).

As per claims 11, 28, and 45, Hind-Conway teaches the system further comprising:

determining one or more requests stored in the notes document, the one or more requests including the first request; communicating the first request from the note-taking device to the server; receiving, at the note-taking device from the server, the first portion of the first information; and (Hind, see paragraphs 0031-0033 and figs. 2A-2C, 3A, 3B, and process of fig. 5, 6A, and 6B)

embedding the first portion of the first information in the first location in the notes document (Hind, e.g., see fig. 3 embedding information in the document).

As per claims 15, 32, and 49, Hind-Conway teaches the system further wherein storing the first request in the notes document comprises: inserting a visual marker in the first location in the notes document indicative of the first request (Hind, see fig. 3A and paragraph 0032).

As per claims 16, 33, and 50, Hind-Conway teaches the system further wherein the first information comprises information captured during a first presentation, the method further comprising:

generating, at the note-taking device during the first presentation, a second request to insert a portion of a second information in a second location in the notes document, the second information comprising information captured during a second presentation; determining if the portion of the second information requested by the second request is accessible to the note-taking device; and (Hind, see paragraphs

0031-0033 and figs. 2A-2C, 3A, 3B, and process of fig. 5, 6A, and 6B; see repetition, e.g., of paragraph 0033)

storing the second request in the notes document upon determining that the portion of the second information requested by the second request is not accessible to the note-taking device (Hind, paragraphs 0031-0033 where the request is stored in the document if the portion if not available; see also visual representation in fig. 3A; see repetition, e.g., of paragraph 0033).

As per claims 17, 34, and 51, Hind-Conway teaches the system further comprising:

identifying one or more requests stored in the notes document, the one or more requests including the first request and the second request; communicating the first request and the second request from the note-taking device to a server; (Hind, see paragraphs 0031-0033 and figs. 2A-2C, 3A, 3B, and process of fig. 5, 6A, and 6B; see repetition, e.g., of paragraph 0033)

receiving, at the note-taking device from the server, the portion of the first information and the portion of the second information; embedding the portion of the first information in the first location in the notes document; and embedding the portion of the second information in the second location in the notes document (Hind, paragraphs 0031-0033 where the request is stored in the document if the portion if not available; see also visual representation in fig. 3A; see repetition, e.g., of paragraph 0033).

7. Claims 12-14, 29-31, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al. (U.S. PGPub 2004/0205555) and Conway (U.S. PGPub 2003/0236777), further in view of Chiu et al. (U.S. Patent 6,452,615).

As per claims 12, 29, and 46, Hind-Conway teaches the above, yet fails to teach wherein the first information comprises information captured during a first presentation and wherein the portion of the first information is a slide displayed during the first presentation.

Chiu teaches a method of creating information comprising captures from presentation for insertion in a note document (Chiu, abstract and col. 3, lines 22-57). The information includes slides, audio segments, video segments, and images displayed during the presentation (Chiu, col. 4, lines 47-60; col. 5, lines 8-20; col. 3, lines 22-57; see figs. 3 and 7).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Hind-Conway and Chiu to provide the presentation capture of Chiu in the system of Hind-Conway, because doing so would enable notes document capabilities to extend to a broader range of information including the effective capture of demonstrations during presentations and training sessions (Chiu, col. 3, lines 31-63; see also similar presentation style data of Hind fig. 3B element 350; where both systems are further directed to TCP/IP network-based access of centralized user-relevant information).

8. As per claims 13, 30, and 47, Hind-Conway teaches the above, yet fails to teach wherein the first information comprises information captured during a first presentation and wherein the portion of the first information is at least one of an audio segment recorded during the first presentation and a video segment recorded during the first presentation.

Chiu teaches a method of creating information comprising captures from presentation for insertion in a note document (Chiu, abstract and col. 3, lines 22-57). The information includes slides, audio segments, video segments, and images displayed during the presentation (Chiu, col. 4, lines 47-60; col. 5, lines 8-20; col. 3, lines 22-57; see figs. 3 and 7).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Hind-Conway and Chiu to provide the presentation capture of Chiu in the system of Hind-Conway, because doing so would enable notes document capabilities to extend to a broader range of information including the effective capture of demonstrations during presentations and training sessions (Chiu, col. 3, lines 31-63; see also similar presentation style data of Hind fig. 3B element 350; where both systems are further directed to TCP/IP network-based access of centralized user-relevant information).

9. As per claims 14, 31, and 48, Hind-Conway teaches the above, yet fails to teach wherein the first information comprises information captured during a first presentation

and wherein the portion of the first information is at least one of an image displayed during the first presentation, and text information recorded during the first presentation.

Chiu teaches a method of creating information comprising captures from presentation for insertion in a note document (Chiu, abstract and col. 3, lines 22-57). The information includes slides, audio segments, video segments, and images displayed during the presentation (Chiu, col. 4, lines 47-60; col. 5, lines 8-20; col. 3, lines 22-57; see figs. 3 and 7).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Hind-Conway and Chiu to provide the presentation capture of Chiu in the system of Hind-Conway, because doing so would enable notes document capabilities to extend to a broader range of information including the effective capture of demonstrations during presentations and training sessions (Chiu, col. 3, lines 31-63; see also similar presentation style data of Hind fig. 3B element 350; where both systems are further directed to TCP/IP network-based access of centralized user-relevant information).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NT/
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